

ANNUAL REPORT 2015 - 2016

MASSACHUSETTS JUVENILE JUSTICE
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**ANNUAL REPORT TO THE GOVERNOR AND
LEGISLATURE**

The Massachusetts Juvenile Justice Advisory Committee (JJAC) is pleased to present the 2015 - 2016 JJAC Annual Report to the Governor and Legislature. The JJAC serves as Massachusetts' State Advisory Group (SAG) as mandated under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act) (as amended in 1980, 1988 and 2002). In collaboration with the Executive Office of Public Safety and Security (EOPSS), the responsibilities of the JJAC include maintaining compliance with the core requirements of the JJDP Act, allocating funds from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to improve the Commonwealth's juvenile justice system and serve its at-risk and system-involved youth, and advising the Governor and Legislature on issues pertaining to juvenile justice policies and practices. The JJAC and its subcommittees meet regularly during the course of the year to identify juvenile justice-related priorities and focus activities on addressing these priorities.

LETTER FROM THE CHAIR

In 2015 and 2016 the JJAC, in partnership with staff from EOPSS, continued its work on salient issues confronting at-risk and juvenile justice system-involved youth in the Commonwealth. The JJAC and EOPSS staff dedicated considerable time, along with the Executive Office of the Trial Court and the Division of Capital Asset Management and Maintenance, to planning and implementing remedies designed to improve sight and sound separation between juvenile and adult detainees in the Commonwealth's court holding facilities. Though federal funds have diminished significantly over the past several years, the JJAC sponsored a Department of Youth Services (DYS) led leadership training series that provided a cross-section of stakeholders opportunities to learn from experts on numerous juvenile justice topics over the course of several half-day sessions during the year. Also, with a collaborative spirit, the JJAC and EOPSS staff participated in other juvenile justice initiatives such as the Juvenile Detention Alternatives Initiative (JDAI) and the Child Welfare and Juvenile Justice Leadership Forum, focusing on issues such as reducing racial and ethnic disparities in the juvenile justice system. Finally, the JJAC provided testimony to the Legislature on topics including juvenile competence to stand trial and data collection.

The JJAC is committed to having a positive impact on these and other juvenile justice concerns. We hope this report highlights useful recommendations that can help guide thoughtful and beneficial policy-making decisions.

Robert Gittens, JJAC Chair

JJAC PRIORITIES AND RECOMMENDATIONS

Priority #1: Ensure adequate sight and sound separation between juvenile and adult detainees in all court holding facilities.

Recommendation #1: *Ensure that there are adequate state funds and oversight to implement the remedies recommended by the multi-agency Court Holding Facilities Working Group in a timely fashion.*

Priority #2: Reduce racial and ethnic disparities in the juvenile justice system.

Recommendation #2:

- A. *Ensure that municipal police, state police and school resource officers are trained on implicit bias, cultural competence, de-escalation skills and the use of diversion.*
- B. *Collect, review and continually monitor race and ethnicity data at all contact points in the juvenile justice system.*
- C. *Ensure that a DMC Assessment Study is conducted to determine the causes of racial and ethnic disparities at at least one juvenile justice system contact point.*

Priority #3: Increase comprehensive, reliable and consistent juvenile justice data collection, sharing and public reporting among all relevant stakeholders.

Recommendation #3: *The Legislature should address the issue of juvenile justice data collection in the current legislative session and pass a bill that ensures all juvenile justice stakeholders collect and report relevant juvenile justice data.*

Priority #4: Improve trauma-informed care for at-risk and juvenile justice system-involved youth.

Recommendation #4: *Ensure comprehensive and integrated trauma-informed care for juvenile justice system-involved youth by establishing meaningful collaboration and networks between all relevant agencies and providers within the juvenile justice and child welfare systems and along the continuum of each child's development.*

Priority #5: Pass a juvenile competence to stand trial statute that establishes processes that address the unique needs of court-involved youth who may not be competent to stand trial.

Recommendation #5: *The state legislature should address this issue and pass a juvenile competence to stand trial bill in the current legislative session.*

Priority #6: Enhance effective pre-arraignment diversion practices across the Commonwealth, especially in communities of color.

Recommendation #6: *Police and District Attorney's Offices should be encouraged and supported with funds in efforts to divert non-violent, low-level juvenile offenders from prosecution.*

If we don't stand up for children, then we don't stand for much. – Marian Wright Edelman

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDP)

The JJDP was enacted in 1974 and amended and re-authorized in 1980, 1988 and 2002. It specifies that all states comply with four core requirements in order to receive 100% of their federal JJDP funds. The JJAC and EOPSS staff are mandated to monitor the Commonwealth for compliance with these core requirements. The core requirements are as follows:

1. **Deinstitutionalization of Status Offenders (DSO):** A status offender (a juvenile who has committed an act that would not be a crime if an adult committed it, such as truancy or running away from home) or a non-offender (such as a dependent or neglected child) cannot be held, with statutory exceptions, in secure juvenile detention or correctional facilities. Status offenders and non-offenders cannot be detained or confined in adult facilities for any length of time.
2. **Separation of Juveniles from Adult Inmates:** Alleged and adjudicated delinquents cannot be detained or confined in a secure institution (such as a jail, police lockup, court holding facility or secure correctional facility) in which they have sight or sound contact with adult inmates.
3. **Adult Jail and Lockup Removal:** As a general rule, juveniles cannot be securely detained or confined in adult jails and police lockups for more than six hours.
4. **Disproportionate Minority Contact (DMC):** States are required to address and attempt to reduce the disproportionate number of minority juveniles who come into contact with the juvenile justice system.

If a state fails to demonstrate compliance with any of the four core requirements in any year, its JJDP Formula Grant is subject to a 20% reduction for each requirement for which non-compliance occurs. Without a waiver from the OJJDP Administrator, the state must agree to use approximately 50% of its Formula Grant award to work towards achieving compliance.

MASSACHUSETTS COMPLIANCE WITH THE JJDP

The Commonwealth is in compliance with three of the four JJDP core requirements. Unfortunately, the Commonwealth is out of compliance with the Separation of Juveniles from Adult Inmates core requirement. Initially, 36 of the Commonwealth's court holding facilities failed to consistently provide adequate sight and sound separation between juveniles and adults who are detained therein during their court appearance dates. A multi-agency working group has been assessing and beginning to implement remedies for many of them; however, some present ongoing challenges. Massachusetts has been penalized (as described above) by OJJDP since FFY 2011 leading to a reduction in the amount of Title II Formula Grant funds the state receives and restrictions on how the funds may be spent. As a result, there are significantly fewer funds available for the JJAC to award to delinquency prevention, intervention and system improvement projects.

The test of the morality of a society is what it does for its children. – Dietrich Bonhoeffer

Key JJAC Values

Collaborate across stakeholders and systems to ensure the needs of all vulnerable children are successfully identified and effectively addressed.

Understand child and adolescent development and promote policies and services that are developmentally appropriate, trauma-informed and not unduly punitive to ensure effective interventions.

Ensure a system that is fair and equitable for all children regardless of race, class, gender or LGBTQ identification.

Reduce court involvement and increase second chances by promoting the use of effective prevention and diversion projects.

2015 - 2016 JJAC Activity Highlights

Partnered in the assessment, planning and funding of remedies to improve sight and sound separation in the court holding facilities.

Collaborated in statewide juvenile justice initiatives, such as JDAI and the Child Welfare and Juvenile Justice Leadership Forum, that address an array of issues, including racial and ethnic disparities in the juvenile justice system.

Created and submitted to OJJDP the Commonwealth's FFY 2015 Three Year Plan identifying important juvenile justice needs and delineating priorities and action steps.

Drafted and submitted written testimony and testified before the Legislature on issues including juvenile competence to stand trial and juvenile data collection and reporting.

In both 2015 and 2016, sponsored the JJAC-DYS Leadership Training Series, that provided trainings on numerous juvenile justice topics by experts in the field.

Participated in Coalition for Juvenile Justice trainings to deepen knowledge of best practices on juvenile justice issues such as delinquency prevention, intervention, and systems improvement.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) envisions a nation where our children are **healthy, educated, and free from violence**. If they come into contact with the juvenile justice system, the contact should be **rare, fair, and beneficial** to them.

-OJJDP Vision Statement



2015 – 2016 JJAC Members

Name	Affiliation
Robert Gittens, Chair	Executive Director, Cambridge Family and Children's Service
Cecely Reardon, Vice Chair	General Counsel, Department of Youth Services
Michele Arroyo	Social Worker, Children's Hospital
Dr. Judith Bevis	Clinical Psychologist, Private Practice
Jonathan Blodgett	District Attorney, Essex County District Attorney's Office
Dr. Mark Booher	Psychologist, Private Practice
Ruth Budelmann	Juvenile Justice Director, Essex County District Attorney's Office
Jeff Butts	Division Director, Justice Resource Institute - SMART Team
Carlton Campbell	Youth Member
Constance Constantine	Education Consultant
Wesley Cotter	Chief Operating Officer, Key Program, Inc.
Glenn Daly	Director, Office of Children Youth and Families, EOHHS
Margie Daniels	Executive Director, Middlesex Partnerships for Youth, Inc.
Edward Dolan	Commissioner, Office of the Commissioner of Probation
Kanchana Fernando	Assistant District Attorney, Worcester County District Attorney's Office
Peter Forbes	Commissioner, Department of Youth Services
Adam Foss	Executive Director, Prosecutor Integrity
Reynolds Graves	Senior Public Affairs Associate, Rasky Baerlein Strategic Communications, Inc.
Elisabeth Jackson	Executive Director, Bridge Over Troubled Water
George Johnson	Youth Member
Keith Lane	Youth Member
Dr. Kimberly Larson	Assistant Professor, Northeastern University
Austin Lessin	Youth Member
Amanda Moran	Attorney, Committee for Public Counsel Services
Geatano Mortillaro	Youth Member
Bridgete Mussafer	Youth Member
Janelle Ridley	Program Manager, Boston Public Schools
Ken Smith	Executive Director, YouthBuild Boston
Alisa Yang	Youth Member

All JJAC meetings are open to the public. The meeting schedule can be found at: <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/>. Feedback on the matters discussed in this Annual Report or questions regarding the JJAC can be directed to the Commonwealth's Juvenile Justice Specialist, Andrew Polk, at andrew.polk@state.ma.us or 617-725-3364.



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The points of view or opinions in this document do not necessarily represent the views or opinions of the Office of Juvenile Justice and Delinquency Prevention or the U.S. Department of Justice.
